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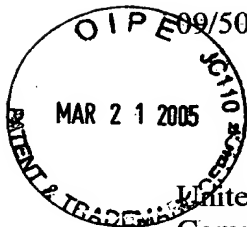
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09/509,377

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Sergey Matasov

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Commissioner for Patents

Art Unit 3739

Examiner Mr. Leubecker, John P.

P.O. Box 1450, Alexandria VA 22313-1450

United States of America

EXAMINER

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Thank You for the Office Action from December 15, 2004. In the reply (Enclosure 1) all its requirements and objections are considered.

Enclosures:

- | | |
|---|---------------|
| 1. The reply on the Office Action from December 15, 2004 | on 4 sheets. |
| 2. Amended claims | on 2 sheets. |
| 3. Table No. 2 with localization of support for amended claims | on 2 sheets. |
| 4. Substitute specification | on 8 sheets. |
| 5. Version with markings to show changes made. Listing of claims. | on 12 sheets. |
| 6. Statement of amendments | on 1 sheet. |
| 7. Remarks/Arguments | on 1 sheet. |

Faithfully Yours,
Dr. Sergey Matasov

Ph. (+371)7804281



The reply on the Office Action from December 15, 2004

As to numbered paragraph 2.

The Figure 5 is withdrawn.

As to numbered paragraph 3.

The substitute specification (see *Enclosure 4*) almost completely reproduces the originally filed specification.

In conformity with objections, the following amendments are introduced in the substitute specification:

On 3 (a).

The mentioned statement is withdrawn.

On 3 (b).

The word „invaginator” is used with due articles.

On 3 (c).

The corresponding sentence is corrected (see page 2 lines 6-7).

On 3 (d).

The corresponding paragraph is corrected (see page 3 lines 29-34).

As to numbered paragraph 4.

The substitute specification almost completely reproduces the originally filed specification and includes no new matter.

On 4 (a).

The mentioned subject matter is absent in the substitute specification.

Please note that the subject matter mentioned on page 10, lines 1-3 in the specification from September 2, 2004 has no concern with the matter, mentioned by Examiner.

On 4 (b).

Concerning page 1 lines 19-21; page 2 lines 4-16; page 4 lines 6-10; page 4 lines 21-22, page 4 lines 30-37; page 6 lines 26-35; page 7 lines 22-37.

The mentioned subject matters are absent in the substitute specification.

Concerning page 4 lines 25-26.

This objection is ungrounded. The substitute specification from September 2, 2004 does not introduce new matter into the disclosure – see page 4, lines 16-18 of the originally filed specification.

On 4 (c).

Figure 5 and all references to this Figure are absent in the substitute specification.

The substitute specification has the following distinctions in comparison with the originally filed specification:

1. Grammatical and idiomatic errors are corrected.

2. a) numerical references on the prior art elements are withdrawn;

b) the section headings are inserted;

c) the term „condom” is replaced by the term „preservative”;

All these amendments are made in accordance with Office requirements from January 31, 2002 and were approved by the Office Action from November 20, 2002.

3. The phrase „short layers” is replaced by the term „pleats”.
This more accurate definition was proposed on August 27, 2002. It does not raise objections in Office Action from November 20, 2002.
4. The numerical references of cutters (70) and a distal intensifier (71) of the traction line of biopsy forceps (63), which were initially depicted on the Drawing 4/4. Appropriate amendments of specification were approved in the Office Action from June 9, 2003.
5. The references are brought into accord with today’s Office practice.

As to numbered paragraph 5.

All observations are taken into account.

On 5 (a).

The phrase „with invaginator along rectum” is withdrawn, the usage of articles is corrected.

On 5 (b).

The phrase “an invaginator of the endoscope tube, which ...” is corrected.

On 5 (c).

The observation is taken into account.

As to numbered paragraph 7.

On 7 (a).

This objection is ungrounded. The originally filed specification does mention the „mobile” (in the meaning „sliding”) seal on page 3, line 4, however in the amended claims the mentioned subject matter is absent.

On 7 (b).

This objection is ungrounded. The originally filed specification does mention the „hermetic cavity” (60) on page 8, line 32.

On 7 (c).

Terms “step” and “pitch” appears through a translation error. The originally filed specification in Russian discloses the springs with spaced step, as it is depicted in Fig. 2b and 2d. In this connection in the substitute specification there is used the phrase „made with spacings”.

On 7 (d).

The mentioned subject matter is absent in the amended claims.

As to numbered paragraph 9.

Subject matters of claims 14 and 20 are absent in the amended claims.

As to numbered paragraph 11.

Both in the substitute specification and in the originally filed application 09/509,377, as a closest prior art is taken the inventor’s certificate SU 1522466. Analysis has revealed, that the numbered paragraph 11 introduced in the **SU 1522466, at the minimum 4 new matters:**

- “an invaginator (4) formed ...”
- “a gap between the invaginator and the endoscopic tube”,
- „a shell/anal dilator”,
- „a preservative of the endoscopic tube ”.

Two first aforecited subject matters are included in the amended claim 1, therefore below there are adduced evidences of absence of these subject matters in the SU 1522466. I suppose that the evidences of absence in the SU 1522466 of a shell and a preservative, will be redundant.

Table No. 1.

New matters in SU 1522466, loaned from the application 09/509,377	Evidences of absence in SU 1522466 of subject matters from the application 09/509,377
<p>1. Examiner asserts that: SU 1522466 «discloses an endoscopic tube (3) comprising an invaginator (4) formed of an elastic tube gathered by pleats»</p> <p><u>The new matter is:</u></p> <p>«invaginator, formed of an elastic tube gathered by pleats »</p>	<ul style="list-style-type: none"> ♦ This assertion is not supported by any arguments. ♦ SU 1522466 comprises an endoscopic tube (3), which includes a thin-walled elastic tube, which one: <ul style="list-style-type: none"> ○ is executed as pleated (Fig., col. 2 lines 2-3), ○ is gathered on the tube (3) (col. 4 line 18-20); ○ adjoins to the tube (3) (Fig., col. 3 lines 1-2), ○ cuddles by pressure to tube (3) (col. 4, lines 47-49). ♦ In SU 1522466 the shape of invaginator is defined by the endoscopic tube (3), on which the invaginator is gathered. ♦ In the application 09/509,377 invaginator is comprised not in the endoscopic tube (3), but in the new element – cartridge. ♦ In the application 09/509,377 invaginator is initially formed in a compact hollow cylinder (23), which has a gap (25) with the endoscopic tube (3) (Fig. 1c, page 3 lines 20-21). <p>Thus, in the SU 1522466 there are no neither constructional and functional analogues of formed invaginator, nor a term „formed” or its synonyms.</p>
<p>2. Examiner asserts that: in SU 1522466 «there is a gap between the invaginator and the endoscopic tube»</p> <p><u>The new matter, introduced by Examiner:</u></p> <p>«a gap between the invaginator and the endoscopic tube»</p>	<ul style="list-style-type: none"> ♦ This assertion is not supported by any arguments. ♦ On Fig. of SU 1522466 one can see, that invaginator adjoins to the endoscopic tube (3), i.e. there is no gap between them. ♦ SU 1522466 comprises the endoscopic tube (3), which includes a thin-walled elastic tube, which one: <ul style="list-style-type: none"> ○ is executed as pleated (Fig., col. 2 lines 2-3), ○ is gathered on the tube (3) (col. 4 line 18-20); ○ adjoins to the tube (3) (Fig., col. 3 lines 1-2), ○ cuddles by pressure to tube (3) (col. 4, lines 47-49): <p>“When the difficulties appears with the insertion of the light pipe 3 ... there is necessary to reduce on few seconds the pressure to zero ... In the moment of absence of pressure the pleated part of tube does not cuddle to the light pipe and under the action of spring 10 is able to displace”. (col. 4 lines 40-53).</p> ♦ The application 09/509,377 comprises an invaginator, which is formed in a compact hollow cylinder (23), which has a gap (25) with the endoscopic tube (3), (Fig. 1c, page 3 lines 20-21). ♦ In the application 09/509,377 the invaginator is comprised not in the endoscopic tube, but in a new separate matter – a cartridge, which is absent in SU 1522466. <p>Thus, in SU 1522466 there are no neither constructional and functional analogues of invaginator with the gap, nor a term „gap” or its synonyms.</p>

As to numbered paragraph 12.

I suppose that a mistake is made here. Kramann (US Pat. 4,615,331) could not serve as a closest prior art for the application 09/509,377. Such is the SU 1522466.

In the SU 1522466 and the application 09/509,377, one end of invaginator is fixed to the endoscopic tube, but in the US Pat. 4,615,331 (Kramann), as well as in the US Pat. 5,259,364 (Bob et al.), on the contrary, both ends of invaginator are fixed to the housing connected to fluid pressure. In this connection by the Office Action from December 15, 2004 Examiner acknowledged (see page 8, paragraph 2), that the US Pat. 5,259,364 could not serve as the closest prior art for the application 09/509,377.

As to numbered paragraphs 14, 15, 16.

In the preceding reply concerning the numbered paragraph 11, as well as in the Table No.1, it is obviously shown the absence in the SU 1522466 of the subject matters from 09/509,377, which are included in the 1st claim of the amended Claims. In this connection the concrete reply on each of the numbered paragraphs 14, 15, 16 will be redundant.

Faithfully Yours,
Dr. Sergey Matasov



Ph. (+371)7804281